

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

MATTHEW CLARK and GREGORY
MALANDRUCCO,

Plaintiffs,

V.

CITY OF CHICAGO, et al.,

Defendants.

Case No. 10-cv-1803

Judge Der-Yeghiayan

Magistrate Judge Cox

JURY TRIAL DEMANDED

**PLAINTIFFS' MOTION TO EXTEND DISCOVERY ON
IDENTITIES OF UNKNOWN PLAINCLOTHES OFFICER DEFENDANTS**

Now come Plaintiffs Matthew Clark and Gregory Malandrucchio, by and through their counsel, LOEVY & LOEVY, and hereby respectfully submit this motion to extend the time within which Plaintiffs may conduct discovery of the unknown Defendants' identities and amend their complaint by forty-five (45) days to June 10, 2011, and June 20, 2011, respectively. In support of this motion, Plaintiffs state as follows:

1. On February 23, 2011, the Court granted the parties' joint motion to extend discovery, allowing Plaintiffs until April 26, 2011, to conduct discovery of the unknown defendants' identities and until May 4, 2011, to amend their complaint. See Dkt. 66.

2. Over the past months, Plaintiffs have worked diligently to complete a significant amount of discovery, including deposing all of the named defendants and three additional witnesses, as well as written discovery.

3. In addition, the Court recently provided to Plaintiffs documents from the Independent Police Review Authority (“IPRA”) investigation file that requires further investigation and discovery to resolve certain inconsistencies between the IPRA documents and documents produced by the Individual Defendant Officers.¹

4. In addition, Plaintiffs have requested the deposition of a Chicago Police Officer Michael Mannott, to be deposed before the April 26, 2011, deadline, but are still awaiting a date from Defendant City of Chicago.

5. Finally, Plaintiffs have received new information and leads from their investigation efforts that require additional time to pursue and investigate.

6. Despite the Plaintiffs’ best efforts to comply with the Court’s deadline, it will not be possible to complete the necessary discovery relating to the unknown Defendants’ identities by April 26, 2011.

7. As a result, Plaintiffs seek a short extension of forty-five (45) days.

8. The Defendants will not be prejudiced by extending the time in which Plaintiffs may amend their complaint.

9. The Plaintiffs agree further to extend the Court’s stay for Defendants’ responsive pleading to Plaintiffs’ complaint until further order of the Court.

10. In light of the facts above, the Plaintiffs respectfully request that this Court enter an order extending the time in which Plaintiffs may conduct discovery relating to the unknown Defendants forty-five days (45) until June 10, 2011, and the time to amend their complaint until June 20, 2011, and extend the stay for Defendants’ responsive pleading to Plaintiffs’ complaint until further order of the Court.

¹ Plaintiffs have not included a more detailed description of the documents or their inconsistencies because of the protective order governing the IPRA documents in this case. However, Plaintiffs are able to provide further descriptions of both upon request.

WHEREFORE, based on the foregoing, Plaintiffs move this Honorable Court to enter an order extending the time in which Plaintiffs may conduct discovery relating to the unknown Defendants forty-five days (45) until June 10, 2011, and the time to amend their complaint until June 20, 2011, and extend the stay for Defendants' responsive pleading to Plaintiffs' complaint until further order of the Court.

Respectfully submitted,

/s/ Heather Lewis Donnell
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CERTIFICATE OF SERVICE

I, Heather Lewis Donnell, an attorney, hereby certify that on April 11, I served the foregoing document on upon all counsel of record using the court's electronic filing system.

/s/ Heather Lewis Donnell